

Message Text

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ORIGIN AF-08

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FM SECSTATE WASHDC
TO AMEMBASSY JIDDA

C O N F I D E N T I A L STATE 050797

E.O. 11652: GDS

TAGS: SREF, ET

SUBJECT: REQUEST FOR ASYLUM FOR ETHIOPIANS, STATE A-5895

REF: JIDDA 1751

PER REFTEL, BELOW IS TEXT OF STATE A-5895, 9/10/75:

1. THE PURPOSE OF THIS AIRGRAM IS TO BRING TO THE ATTENTION OF ALL POSTS THE DEPARTMENT'S VIEWS CONCERNING REQUESTS FOR ASYLUM FROM ETHIOPIANS.

2. WE HAVE ALWAYS HELD THAT ASYLUM IS THE RIGHT AND RESPONSIBILITY OF THE COUNTRY IN WHICH THE REQUEST IS MADE. WE REALIZE THAT THE CIRCUMSTANCES SURROUNDING EACH REQUEST WILL VARY DEPENDING ON THE INDIVIDUAL AND THE COUNTRY IN WHICH THE REQUEST IS MADE. HOWEVER, THE USG IS GENERALLY RELUCTANT TO ASSUME AN ACTIVE ROLE IN REQUESTS FOR ASYLUM FROM REFUGEES IN A COUNTRY WHICH IS A SIGNATORY TO THE UNITED NATIONS CONVENTION AND/OR THE PROTOCOL
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RELATING TO THE STATUS OF REFUGEES AND WHICH IS, THEREFORE, EXPECTED TO PROVIDE CERTAIN SAFEGUARDS FOR REFUGEES. FURTHER, THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES CAN BE EXTREMELY HELPFUL IN RESETTLING REFUGEES IN THIRD COUNTRIES BOTH AS A RESULT OF DIRECT APPEAL BY THE REFUGEE OR BY THE COUNTRY IN WHICH THE REFUGEE IS LOCATED. NEVER-

THELESS, A REQUEST FOR ASYLUM SHOULD NOT BE ARBITRARILY REFUSED BY THE POST. DETAILS OF ANY REQUESTS SHOULD BE SENT TO THE DEPARTMENT IN ACCORDANCE WITH 2 FAM 227, 228 AND 229.

3. ALTHOUGH WE ARE UNABLE TO SUBSTANTIATE SPECIFIC ALLEGATIONS MADE BY ETHIOPIANS THAT THEY WOULD BE SUBJECTED TO PERSECUTION ON AN INDIVIDUAL LEVEL SHOULD THEY RETURN TO ETHIOPIA, WE DO BELIEVE THAT SERVICEMEN WHO HAVE RELATIVES PARTICIPATING IN THE INSURGENCY, THOSE WITH CLOSE FAMILY RELATIONSHIPS TO MEMBERS OR PROMINENT SUPPORTERS OF THE HAILE SELASSIE REGIME OR ARISTOCRACY, AND THOSE WHO HAVE OPENLY CRITICIZED OR VERBALLY OPPOSED THE CURRENT REGIME MAY BE REGARDED WITH SUSPICION BY THE ETHIOPIAN PROVISIONAL MILITARY GOVERNMENT (EPMG) AND, THEREFORE, DO APPEAR TO HAVE A WELL-FOUNDED FEAR OF RETURN TO ETHIOPIA.

4. WHILE WE ARE AWARE OF THE POLITICAL CONSEQUENCES THAT A SIGNIFICANT NUMBER OF ETHIOPIAN POLITICAL REFUGEES INTO THE U.S. COULD CAUSE IN OUR BILATERAL RELATIONS WITH THE EPMG, WE ARE ALSO DEEPLY CONCERNED THAT THE U.S. NOT BE INVOLVED IN THE FORCIBLE RETURN OF REFUGEES TO A COUNTRY WHERE THEIR LIFE OR FREEDOM WOULD BE THREATENED BECAUSE OF THEIR RACE, RELIGION, NATIONALITY, POLITICAL OPINION, OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP.

5. IN GENERAL OUR RESPONSE TO ASYLUM REQUESTS FROM ETHIOPIANS IN THIRD COUNTRIES WILL INSTRUCT THE POST TO
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REFER THE SUBJECT TO THE HOST GOVERNMENT WHENEVER POSSIBLE. IF THIS IS NOT FEASIBLE, WE WILL ADVISE THAT THE SUBJECT SEEK UNHCR ASSISTANCE. POSSIBLE APPLICATION FOR CONDITIONAL ENTRY (7TH PREFERENCE) UNDER SECTION 203(A)(7) OF THE IMMIGRATION ACT WILL THEN BE EXPLORED. SINCE ETHIOPIA IS INCLUDED WITHIN THE GEOGRAPHIC DEFINITION OF THE MIDDLE EAST FOR PURPOSES OF SECTION 203(A)(7) OF THE INA, ETHIOPIANS CAN APPLY FOR 7TH PREFERENCE CONDITIONAL ENTRY INTO THE U.S. POSSIBLE PAROLE INTO THE UNITED STATES WILL BE USED ONLY UNDER CERTAIN CIRCUMSTANCES AS OUTLINED BELOW.

6. APPLICANTS FOR 7TH PREFERENCE WOULD HAVE TO PROCEED TO A POST WHERE INS OFFICERS PROCESS CONDITIONAL ENTRY APPLICATIONS. THESE POSTS ARE ROME, ATHENS, VIENNA, PARIS, FRANKFURT, BRUSSELS, BEIRUT, AND HONG KONG. A TRAVEL DOCUMENT AND A VISA TO ENTER THE COUNTRY OF APPLICATION IS REQUIRED AND THE UNHCR MAY BE ABLE TO ASSIST IN THIS RESPECT. IN THOSE COUNTRIES WHERE THERE

IS NO UNHCR OFFICE, THE DEPT. MAY BE ABLE TO SOLICIT

UNHCR ASSISTANCE THROUGH THE MISSION IN GENEVA. INS HAS ONLY 10,200 CONDITIONAL ENTRY NUMBERS AVAILABLE PER FISCAL YEAR. IT IS EXPECTED THAT UP TO 3,600 OF THESE NUMBERS WILL BE USED DOMESTICALLY THIS FY. INS ALSO HAS HIGH DEMANDS IN ROME, ATHENS, AND BEIRUT. THUS, LONG WAITS COULD BE ENCOUNTERED IN COMPLETING PROCESSING OF NEW APPLICATIONS.

7. THE APPLICANT SHOULD BE INFORMED THAT THIS ONWARD REFERRAL DOES NOT IMPLY A GUARANTEE THAT HIS APPLICATION WILL NECESSARILY BE APPROVED. IF INS DOES DETERMINE THAT THE APPLICANT IS ELIGIBLE UNDER SECTION 203(A)(7), THE APPLICANT MUST ALSO MEET THE OTHER CRITERIA OF THE INA FOR ADMISSION INTO THE U.S.

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8. WHILE PAROLE INTO THE U.S. UNDER SECTION 212(D)(5) OF THE IMMIGRATION ACT IS AN ALTERNATIVE, THE PAROLE AUTHORITY IS THE PREROGATIVE OF THE ATTORNEY GENERAL WHICH IS JUDICIOUSLY EXERCISED BY INS IN EMERGENCY SITUATIONS. IT CANNOT BE OVER-EMPHASIZED THAT OUR RECOMMENDATION TO INS FOR PAROLE CAN ONLY BE GIVEN IN THOSE CASES WHERE ALL OTHER ALTERNATIVES HAVE BEEN EXHAUSTED AND THE REFUGEE IS IN IMMINENT DANGER OF FORCIBLE RETURN TO HIS COUNTRY OF NATIONALITY.

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Message Attributes

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Control Number: n/a
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Sent Date: 08-Mar-1977 12:00:00 am
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Disposition Approved on Date:
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